

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D.C. 20210

REPORT ON STATE LEGISLATION

REPORT NO. 5
October 2017

CALIFORNIA	AB 1695 (CH 117)	ENACTED July 24, 2017 EFFECTIVE January 1, 2018
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Administration

Eliminates the telephone reporting of wages for domestic service employers.

Appeals

Repeals the exemption to request an administrative review for any penalty assessed for failing to report remuneration for personal services.

Financing

Repeals the wage exemption for contributions, payments, or services rendered by an employer under a qualified group legal services plan.

Overpayments

Provides that a business entity violates the law if it procures, counsels, advises, or coerces anyone to willfully make a false statement or representation, or to knowingly fail to disclose a material fact to lower or to avoid any contribution, or to avoid being or remaining subject to contributions. Also provides that it is a violation of law for a business entity to willfully aid or assist anyone in doing the same.

Defines “business entity” as a partnership, corporation, association, limited liability company, Indian tribe, or any other legal entity.

MARYLAND	HB 139 (CH 251)	ENACTED April 18, 2017 EFFECTIVE October 1, 2017
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Appeals

Establishes an internal review process to the appeals process resulting in a review determination in the state’s unemployment compensation program.

Adds the following defined terms, “Board of Appeals,” “Claims Examiner,” “Determination,” “Hearing Examiner,” “Last Known Address,” “Mailed or Otherwise Delivered,” “Review Determination,” “Review Determination Decision,” and “Send.” The full definition of “Review Determination” and “Review Determination Decision” are as follows:

- Review Determination means the process by which the state Department of Labor, Licensing, and Regulation conducts an internal review of a determination made under subtitle 6 of this title, independent of a determination or redetermination of a claim.
- Review Determination Decision means the Secretary’s final determination under subtitle 6 for of this title for which a right to a review determination is available that (1) is issued in accordance with Section 8-604 of this title, and (2) may be appealed in accordance with Section 8-605 of this title.

Adds that the Lower Appeals Division will hear and decide appeals from Review Determination Decisions.

Establishes a procedure for an employer to appeal a Review Determination Decision, including time limits and production of evidence.

Establishes a procedure for an employer to request a Review Determination of various decisions made by the Department, including bills, claims, and employer classification.

Clarifies an existing provision regarding how much a lawyer can charge for representing a claimant at an appeals hearing.

Adds, in multiple places, that the Secretary’s decision is final unless a request for a review determination was requested within 30 days after the specific notice was sent (bill, assessment, determination, etc.).

NEVADA AB 207
(CH 549)

ENACTED June 14, 2017
EFFECTIVE January 1, 2018

Administration

Amends the confidentiality provisions to add district judges and jury commissioners to the list of entities allowed to obtain employment and wage information, specifically for use in selecting a trial jury.

NEW JERSEY AB 3438
(CH 163)

ENACTED July 21, 2017
EFFECTIVE October 19, 2017

Administration

Provides that an initial determination shall be made contingent upon receipt of all necessary information, and the claimant shall be notified no later than 3 weeks from the date on which the

claim was received. The division will have 2 additional weeks to obtain the missing information to make the initial determination and advise the claimant accordingly.

OREGON SB 41
(CH 307)

ENACTED June 14, 2017
EFFECTIVE January 1, 2018

Administration

Makes technical changes by replacing references to the Workforce Investment Act to the Workforce Innovation and Opportunity Act.

Amends the confidentiality provisions to require disclosures of information to public universities and the Oregon Health and Science University, and to permit disclosure of establishment level information to public universities and the Oregon Health and Science University.

Coverage

Adds that home care workers are not state employees.

OREGON SB 42
(CH 308)

ENACTED June 14, 2017
EFFECTIVE January 1, 2018

Nonmonetary Eligibility

Repeals the provision in Oregon Revised Statute 657.221 that does not apply the denial of benefits provisions to individuals who quit for good cause between academic terms or during a vacation or holiday period and 50 percent or more of their time is spent working for an educational institution in a capacity other than instructional, research, or principal administrative capacity.

Repeals the provision that provides any provision in ORS 657.221 is not in effect if the United States Secretary of Labor rules that the provision does not conform to the requirements of Federal law.

TEXAS HB 100
(CH 231)

ENACTED and EFFECTIVE May 29, 2017

Coverage

Provides that “Transportation Network Company” means a company that provides car ride hailing/sharing services. Transportation Network Company includes a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a passenger to prearrange with a driver, exclusively through the entity’s digital network, a digitally prearranged ride. The term does not include an entity that provides street-hail taxicab services, limousine, or other car services arranged by a method other than through a digital network, shared expense carpool or vanpool arrangements, or a type of ride service for which: the fee received by the driver does

not exceed the driver's costs of providing the ride, or the driver receives a fee that exceeds the driver's costs associated with providing the ride but makes not more than three round-trips per day between the driver's or passenger's place of employment and the driver's or passenger's home.

Provides that a driver who is authorized to obtain customers from a Transportation Network Company is considered an independent contractor provided that the company and the driver agree in writing that the driver is an independent contractor and that the company does not: prescribe the specific hours during which the driver is required to be logged in to the company's digital network; impose restrictions on the driver's ability to use other transportation network companies' digital networks; limit the territory within which the driver may provide digitally prearranged rides; or restrict the driver from engaging in another occupation or business.

UTAH RULE 41426

ADOPTED June 15, 2017
EFFECTIVE May 30, 2017

Appeals

Provides a toll-free number for confirming and participating in telephone hearings.

Requires that a request to reschedule a hearing be made by calling the Appeals Unit and providing good cause for the request.

Provides that a non-attorney representative may not charge or receive a fee for representing a claimant without prior approval, and that the Utah Department of Workforce Services does not regulate fees charged to employers or attorneys.

Eliminates the exception to the fee limit in cases of appeals to the Court of Appeals and/or the Supreme Court.

VIRGINIA HB 2471 SB 1574
 (CH 804) (CH 824)

ENACTED and EFFECTIVE April 5, 2017

Administration

Provides that the following information contained in a public record is excluded from the mandatory disclosure provisions but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with Section 2.2-3704.01 of the Virginia Code: information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to Section 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The

executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld.

Provides that, notwithstanding certain other provisions of law, the Virginia Employment Commission shall, upon written request, furnish the Virginia Economic Development Partnership Authority such information as it may require to facilitate the administration and enforcement by the Authority of performance agreements with businesses that have received incentive awards. Any information provided to the Authority under the disclosure and confidentiality provisions shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members of the Authority who are public officials or employees of the Authority for the performance of their official duties. No public official or employee shall redisclose any confidential information obtained pursuant to the disclosure and confidentiality provisions to nonlegislative citizen members of the Authority or to the public. Any information so provided shall be used by the Authority solely for the purpose of verifying employment and wage claims of those businesses that have received incentive awards.